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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,772	01/16/2001	Daniel S. Bricklin	85151.911CPAC	8917

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THE HECKER LAW GROUP
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EXAMINER

HONG, STEPHEN S

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/16/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/764,772	Applicant(s) Bricklin
Examiner Stephen Hong	Art Unit 2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Jun 10, 2003
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above, claim(s) 1-39, 43-57, and 61-69 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 40-42 and 58-60 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

1. This office action is responsive to Amendment C, filed June 3, 2003
2. Claims 1-69 are pending. Claims 40-42 and 58-60 have been elected without traverse. The remaining claims are withdrawn from consideration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 40-42 and 58-60 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gentner (5,724,595).

Regarding independent claims 40 and 58, refer to Gentner's abstract, figures 2-4, and column 2 (line 63) through column 4 (line 19). Gentner discloses:

"creating a link between a first lexia and a second lexia". See abstract, in which he discloses *creating a link in an orginal hypertext document to a target hypertext document.*

"displaying a first lexia in a lexia display window on a display screen". See figure 2 (10).

"displaying a graphical element representing a second lexia in a hypermedia work display window on said display screen". See figures 2 and 3--anchor icon.

"selecting a location for an activation area for a link in said lexia display window". See figure 2 (16).

"selecting said graphical element in said hypermedia work display window". See column 3 (top), in which he discloses *control icons 18, called the "drag icons", which in the preferred embodiment is a representation of a ship's anchor.* Refer also to column 3 (lines 34-55), in which Gentner discloses *moving the mouse cursor over the drag target in the control area of the target window and pressing the select button on the mouse.*

While it is noted that Gentner does not explicitly teach the newly added limitation, "wherein said hypermedia display window is configured to **act on** at least said first lexia and said second lexia", it would have been obvious to one of ordinary skill in the art at the time of the invention to "**act on** at least said first lexia and said second lexia" because in Gentner,

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Regarding dependent claims 41-42 and 59-60, refer to Gentner's figure 3 (20) and column 3 (lines 51-54), in which he discloses "extracting a label", and "said link activation area comprises said label"--*the title of the target page is inserted into the text of the original page at the location of the mouse pointer.*

Response to Arguments

5. Applicant's arguments filed June 10, 2003 have been fully considered but they are not persuasive.

In the Applicant's argument on pages 3 and 4 of the amendment, Applicant argues that "In Gentner the same icon (e.g., a ship's anchor) is utilized to indicate a link's location to a target document and does not provide a distinctive visual cue of the target page because the icon is a representation of a link rather than a representation of the media work. Gentner does not provide a graphical element that is caricature of the target page. In Gentner, the graphical representation is not algorithmically generated to show a target lexia's prominent features." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies above (i.e., "caricature of the target page", "target lexia showing prominent features" etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is in fact claimed is the feature of "displaying a graphical element individually representing a second lexia in a

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hypermedia work display window on said display screen.” This is exactly what is disclosed by Gentner in Figure 2. Note that the “12c” is a control area individually represented for the specific document “12” which is at “<http://www.acme.com/ete./ab.html>.” Note that the anchor icon in 12c of Figure 2 individually represents the target document “GOOD IDEA” at <http://www.acme.com/ete./ab.html>. In other words, for another target document, a different control area “12c” will include another anchor icon that will individually represent the specific target document. Clearly, Gentner discloses the invention as claimed.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Hong whose telephone number is (703) 308-5465. The examiner can normally be reached on Monday-Friday from 8:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

After-final	(703) 746-7238
Official	(703) 746-7239
Non-Official/Draft	(703) 746-7240

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



Stephen Hong

Primary Examiner

June 12, 2003